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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MARCO TECHT et al.) Examiner
Serial No.: 10/019,373) Unknown
Filed: 12/26/2001) Group Art
For: MONITORING DEVICE FOR OIL) Unknown
BURNERS)

March 2002

SUBMITTAL OF TRANSLATION
OF PRELIMINARY EXAMINATION REPORT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed herewith is a translation of the Preliminary Examination Report for parent application S.N. PCT/DE00/02193, filed with the subject U.S. Patent application.

Please enter the document into the file of the subject U.S. Patent Application.

Respectfully submitted,

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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TO: COMMISSIONER OF PATENTS AND TRADEMARKS,
WASHINGTON, D.C. 20231, ON

March 19, 2002
3/19/02
(DATE SIGNED)
WALTER A. HACKLER
REG. NO. 27,792

Translation



PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P7336PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE00/02193	International filing date (day/month/year) 05 July 2000 (05.07.00)	Priority date (day/month/year) 17 July 1999 (17.07.99)
International Patent Classification (IPC) or national classification and IPC F23N 5/08		
Applicant KARL DUNGS GMBH & CO.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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Date of submission of the demand 17 November 2000 (17.11.00)	Date of completion of this report 26 July 2001 (26.07.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE00/02193

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1-7, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1-8, filed with the letter of 18 July 2001 (18.07.2001)
- ☒ the drawings:
pages 1/1, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations

There are no objections to the subject matter presented in Claim 1 with regard to novelty and inventive step (PCT Article 33(2) and (3)).

According to the preamble in Claim 1 the device for controlling oil burners with the characteristic feature specified in the claim does not appear to have been disclosed or suggested in any of the existing documents.

Dependent Claims 2-5 relate to developments of the device for controlling the flame of oil burners under Claim 1 and therefore also meet the requirements relating to novelty and inventive step.

The subject matter in Claim 6 relates to an automatic firing apparatus with a device for controlling the flame according to one or more of Claims 1-5 and therefore also meets the requirements regarding novelty and inventive step.

The subject matter in Claim 7 relates to a method for controlling the flame using a flame controlling device as per Claim 1 with features which correspond to the features

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of the device claim, therefore satisfying the requirements as regards novelty and inventive step.

Dependent Claim 8 relates to a development of the method in Claim 7 and therefore meets requirements as regards novelty and inventive step.